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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,292	06/30/2003	Selim Aissi	884.935US1	5816
21186	7590	09/23/2005	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402-0938			BADII, BEHRANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/612,292	Applicant(s) AISSI, SELIM	
	Examiner Behrang Badii	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.  
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-8,30-33 and 37-48 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 4-8,30-33 and 37-48 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicant's election without traverse of claims 4-8 and 30-33 in the reply filed on 7/5/05 is acknowledged. Applicant's addition of claims 37-48 is also acknowledged.

The requirement is still deemed proper and is therefore made FINAL. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144). See MPEP § 821.01.

Claims 1-3, 9-29 and 34-36 are hereby cancelled.

Claims 4-8, 30-33, and 37-48 have been examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 4-6, 8, 30-32, 37-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogg et al., U.S. patent 6,868,406.

As per claims 4 and 30, Ogg et al. discloses a method/ machine-readable medium comprising:

selectively auditing a number of transactions between a computing device and a separate device based on a type for the number of transactions, wherein selectively auditing of the number of transactions includes securely storing at least one attribute of

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selected audited transactions within the computing device (col.2, 60-63; col.3, 1-6; abstract).

As per claims 5 and 31, Ogg et al. discloses wherein securely storing the at least one attribute of one of the selected audited transactions comprises:

storing at least one attribute of the selected audited transaction into an audit log into a memory in the computing device (col.11, 59-67; col.12, 1-3); and

encrypting the audit log based on an encryption key that is generated and stored within the computing device (col.12, 15-26; col.18, 25-29; col.20, 50-59).

As per claims 6 and 32, Ogg et al. discloses wherein securely storing the at least one attribute comprises:

generating an integrity metric of the audit log (col.43, 1-27; col.11, 59-67; col.12, 1-3); and

generating a signature of the integrity metric with a signature key that is generated and stored within the computing device (col.43, 1-27; col.11, 59-67; col.12, 1-3).

As per claim 8, Ogg et al. discloses wherein the at least one attribute is selected from a group consisting of the type of transaction, a monetary amount of the transaction and a time of the transaction (col.32, 1-14).

As per claims 37 and 43, Ogg et al. discloses wherein selectively auditing of the number of transactions includes opening an audit session (col.26, 61-64; col.34, 42-54; col.35, 1-21) upon receipt of one of the selected audited transactions, wherein securely storing the at least one attribute of one of the selected audited transactions includes

storing at least one attribute of the selected audited transaction into an audit log into a memory in the computing device (col.11, 59-67; col.12, 1-3).

As per claims 38 and 44, Ogg et al. discloses wherein selectively auditing of the number of transactions further comprises:

closing the audit session (col.26, 61-64; col.34, 42-54; col.35, 1-21); and  
generating a hash of the audit log after the audit session is closed (col.11, 59-67; col.12, 1-3).

As per claims 39 and 45, Ogg et al. discloses wherein selectively auditing of the number of transactions further comprises generating a digital signature of the hash based a first encryption key, after the audit session is closed (col.43, 1-27; col.12, 15-26; col.18, 25-29; col.20, 50-59).

As per claims 40 and 46, Ogg et al. discloses wherein selectively auditing of the number of transactions further comprises storing the hash and the digital signature in the audit log, after the audit session is closed (col.11, 59-67; col.12, 1-3).

As per claims 41 and 47, Ogg et al. discloses wherein selectively auditing of the number of transactions further comprises encrypting the at least one attribute with a second encryption key, after the audit session is closed (col.12, 15-26; col.18, 25-29; col.20, 50-59).

As per claims 42 and 48, Ogg et al. discloses wherein the at least one attribute is selected from a group consisting of the type of transaction, a monetary amount of the transaction and a time of the transaction (col.32, 1-14).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogg et al., U.S. patent 6,868,406 as applied to claims 6 and 32 above, and further in view of Scullion et al., U.S. patent 4,734,865.

Ogg et al. discloses wherein securely storing the at least one attribute as discussed above. Ogg et al. further discloses wherein securely storing the at least one attribute comprises: storing a value, the integrity metric (data) and the signature (data) in the audit log (storing data into the audit log) (col.43, 1-27). Ogg et al. does not disclose incrementing an audit counter. Scullion et al. discloses incrementing an audit counter (col.15, 19-44). It would have been obvious to modify Ogg et al. to include incrementing an audit counter such as that taught by Scullion et al. in order to keep track of the number of transactions in the order by which they were audited.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

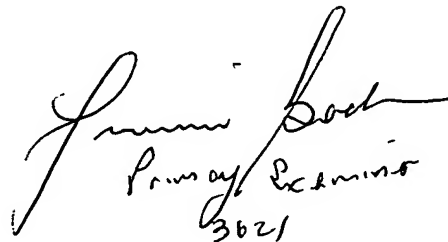
**Any response to this action should be mailed to:**

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Hand delivered responses should be brought to

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(703) 306-5771**.

Behrang Badii  
Patent Examiner  
Art Unit 3621

BB